

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Anthony Galbraith,

Plaintiff,

v.

Dr. Michael Minev, et al.,

Defendants.

Case No. 2:21-cv-00932-RFB-DJA

Order

Before the Court is *pro se* Plaintiff Anthony Galbraith's motion "to identify defendants and request an issuance of a summons for defendants who[se] addresses are under seal at ECF No. 15." (ECF No. 29). Plaintiff moves the Court to issue summons for Defendants Dawn Jones, Brittany Caldwell, and Gregory Bryan. (*Id.*). Plaintiff explains that the Attorney General's Office has filed these Defendants' last known addresses under seal. (*Id.*).

On March 1, 2023, the Court entered a notice that, because no proper proof of service had been filed as to Jones, Caldwell, and Bryan, the Federal Rule of Civil Procedure 4(m) deadline was set for March 31, 2023. (ECF No. 26). Plaintiff filed his instant motion on April 6, 2023. (ECF No. 29). But his motion is dated March 15, 2023. (*Id.*).

Defendant Dr. Michael Minev responded with a non-opposition. (ECF No. 30). The Attorney General's Office represents Dr. Minev. The Deputy Attorney General representing Dr. Minev explained that, because it appears that Plaintiff's delay in filing his instant motion was out of his control, the Attorney General's Office "would grant [Plaintiff] additional time to serve the remaining three Defendants." (*Id.*). The Deputy Attorney General also explained that the three remaining Defendants did not submit requests for representation in this matter but "the Office of the Attorney General will...make additional efforts to obtain requests for representation from the three remaining Defendants, who were initially non-responsive." (*Id.*).

1 The Court thus grants Plaintiff's motion for summons. The Court will also *sua sponte*
2 extend the time for service by ninety days under Federal Rule of Civil Procedure 4(m). The
3 Attorney General's Office shall make additional efforts to obtain requests for representation from
4 Defendants Dawn Jones, Brittany Caldwell, and Gregory Bryan.

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6 **IT IS THEREFORE ORDERED** that Plaintiff's motion for summons (ECF No. 29) is
7 **granted.**

8 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to electronically
9 **serve** a copy of this order and a copy of Plaintiff's complaint (ECF No. 7) on the Office of the
10 Attorney General of the State of Nevada.

11 **IT IS FURTHER ORDERED** that service must be perfected within ninety days from the
12 date of this order under Federal Rule of Civil Procedure 4(m).

13 **IT IS FURTHER ORDERED** that the Attorney General's Office shall make additional
14 efforts to obtain requests for representation from Defendants Dawn Jones, Brittany Caldwell, and
15 Gregory Bryan.

16 **IT IS FURTHER ORDERED** that, on or before **May 3, 2023**, the Attorney General's
17 Office shall file a notice advising the Court and Plaintiff of: (1) the names of the Defendants for
18 whom it accepts service; (2) the names of the Defendants for whom it does not accept service and
19 (3) the names of the Defendants for whom it is filing the last-known-address information under
20 seal. As to any of the Defendants for whom the Attorney General's Office cannot accept service,
21 the Office shall file, under seal, but shall not serve Plaintiff the last known address(es) of those
22 Defendant(s) for whom it has such information.¹ If the last known address of the Defendant(s) is
23 a post office box, the Attorney General's Office shall attempt to obtain and provide the last
24 known physical address.

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26 ¹ The Court recognizes that the Attorney General's Office has already filed the last-known-
27 address information for Jones, Caldwell, and Bryan under seal. (ECF No. 15). However, given
28 the time that has passed, the Court will require the Office to file updated last-known-address
information under seal if the Office still cannot accept service for these Defendants after renewed
attempts to obtain requests for representation from them.

1 **IT IS FURTHER ORDERED** that if the Attorney General's Office cannot accept service
2 for any of the Defendant(s), Plaintiff shall file a motion identifying the unserved Defendant(s),
3 requesting issuance of a summons, and specifying a full name and address² for the Defendant(s).

4 **IT IS FURTHER ORDERED** that if the Attorney General accepts service of process for
5 any Defendant(s), such Defendant(s) shall file and serve an answer or other response to the
6 complaint (ECF No. 7) within sixty days from the date of this order.

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8 DATED: April 12, 2023



DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE

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27 ² Plaintiff may specify the address for Defendants whose last-known-address information are filed
28 under seal by referencing the ECF number where the Attorney General's Office has filed the
updated information under seal.